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EXAMINER				
WORJLOH, JALATIE				
ART UNIT		PAPER NUMBER		
3685				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

# Office Action Summary

**Application No.**

09/921,629

**Applicant(s)**

LEVENSON ET AL.

**Examiner**

Jalatee Worjloh

**Art Unit**

3685

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on December 18, 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C2)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is responsive to the amendment filed December 18, 2008.
2. Claims 1-9 and 11-30 are pending.

### ***Response to Arguments***

3. Applicants' arguments filed December 18, 2008 have been fully considered but they are not persuasive.
4. Applicants' argue that Blagg includes no teaching or suggestion of setting up a private network for managing petty cash disbursements.

In response to applicant's arguments, the recitation "a system for the payment of petty cash disbursements" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Also, claim 1 recites "a private network for managing the payment of petty cash disbursements"; however, functional recitation(s) using the word "for" have been considered but are given little patentable weight<sup>1</sup> because they fail to add any structural limitations and are thereby regarded as intended use language. A recitation of the intended use of the claimed product must result in a structural difference between the claimed product and the prior art in

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<sup>1</sup> See e.g. *In re Gulack*, 703 F.2d 1381, 217 USPQ 401, 404 (Fed. Cir. 1983)(stating that

order to patentably distinguish the claimed product from the prior art. If the prior art structure is capable of performing the intended use, then it reads on the claimed limitation. *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) (“The manner or method in which such machine is to be utilized is not germane to the issue of patentability of the machine itself.”); *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). See also MPEP §§ 2114 and 2115. Unless expressly noted otherwise by the Examiner, the claim interpretation principles in this paragraph apply to all examined claims currently pending.

5. Applicants argue that there is no teaching or suggestion in Blagg of “cards being reusable in the form of linking an unlinking to various master purchasing cards accounts or subordinate purchasing card accounts for further allocation of new funds”.

However, the Examiner respectfully disagrees. In paragraphs [0055], [0063] and [0065] Blagg describes this concept. Notice, Blagg teaches a method for linking account corresponding to different products (card account). Each product has a key account (master account) and subordinates linked to them.

In response to applicants’ argument that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., *cards being reusable in the form of linking an unlinking to various master purchasing card accounts or subordinate purchasing card accounts for further allocation of new funds*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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although all limitations must be considered, not all limitations are entitled to patentable weight).

6. As per Applicants other assertions, it has been held that prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).
7. All other arguments with respect to the newly added features have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1-9 and 11-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. For instance, in Claim 1, the Specification does not provide support for the following: "each of said master purchasing cards account linked to a different bank account", "a first level of one or more subordinate", "a second level of one or more subordinate purchasing card accounts set up within the private and linked to one or more of said " first level subordinate purchasing card accounts" and "...said cards configured to be linked, either directly or indirectly with one master purchasing card account at a time.". However, if Applicants disagrees, please indicate exactly where these features are described in the Specification.
10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1-9 and 11-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
12. The term "linkable" in claims 1, 16 and 25 is a relative term which renders the claim indefinite. The term "linkable" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear whether or not the cards associated subordinate purchasing card accounts are actually linked to the accounts.
13. Claims 1, 16 and 25 recite "cards associated with any of said subordinate purchasing card accounts"; however, the claim does not describe linking cards to the subordinate purchasing card account. There is insufficient antecedent basis for this limitation in the claim.
14. The term "transferable" in claim 2 is a relative term which renders the claim indefinite. The term "transferable" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear whether or not the maximum amount is transferred?

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 1-5, 7-9, 11-23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blagg (US 2003/0120571 A1) in view of U.S. Publication No. 2002/0099659 to Swentor.

**As per the following claims, Blagg discloses:**

1. A system for the payment of petty cash disbursements comprising:

- A private network for managing the payment of petty cash disbursements; a plurality of master purchasing card accounts linked to a different bank account (¶0055-0056, 0063, 0065,0069, 0072, linking accounts; ¶0062, issuer is typically a financial institution or bank);
- A first level of one or more subordinate purchasing card accounts set up within the private network and linked to one of said master purchasing card accounts ; a second level of one or more subordinate purchasing card account set up within the private network (¶0071-0075, 0090-0094, dependent linked accounts); wherein an owner of said bank account has the authority to authorize the transfer of funds to any master purchasing card account to cover purchases made using that master purchasing card account or any subordinate purchasing card account linked to that master purchasing card account, either directly or indirectly (¶0035,0075-0078, 0104, 0126, 0134-0142 ; Fig. 8A, 806 - key account always participants in authorization ); wherein the owner of any of said purchasing card accounts has the authority authorize the movement of funds from its own account to any subordinate purchasing card account having a link thereto (¶0134-0142, authorizing a transaction; 0143-0154, applying a payment); and wherein cards

associated with any of said subordinate purchasing card account are linkable, directly, or indirectly, with any of said master purchasing card accounts set up within the private network, said cards configured to be linked, either directly or indirectly, with one master purchasing card account at a time (see paragraph [0063]).

Blagg does not expressly disclose the second level of one or more subordinate purchasing account is linked to one or more of said first level subordinate purchasing card accounts. However, this concept is taught by Swentor (see paragraph [0060]). At the time the invention was made it would been obvious to modify the system disclose by Blagg to include the feature of Swentor because it ensures that all necessary entities has access to the account and provides a integrated full service system between master accountholders and subordinate account holders (see paragraph [0021] of Swentor).

2. The system of claim 1 wherein each of said purchasing cards has an expenditure limit (§0016).
3. The system of claim 1 wherein any of said purchasing cards may create and break links to or from subordinate purchasing cards (§0080, 0085, de-linked account).
4. The system of claim 2 wherein requests for the modification of the said expenditure limit for any subordinate card and the authorization of said modification can be accomplished in real time (§0136).



5. The system of claim 4 wherein said requests and said authorizations are facilitated by a web site available over the Internet (§0059-0062).

7. The system of claim 2 further comprising a software application running on a computer system (§0058-0059).

8. The system of claim 7 wherein said software application is configured to establish communications with outside entities (§0058-0059).

9. The system of claim 8 wherein said communications with outside entities are: encrypted prior to sending and decrypted after receiving to ensure data integrity and security; and entered into a log file for audit and customer support purposes (fig 7B, 754-760, authorization and approval).

11. The system of claim 9 wherein said software application establishes communication with a bank, said bank maintaining said bank account (§0062, 0063).

12. The system of claim 11 wherein said software application initiates a transaction at said bank to move funds between said bank account and said purchasing cards to cover expenditures made using said purchasing cards (§0016, 0035, 0104, 0126).

13. The system of claim 9 wherein said software application establishes communications with a credit card processor (§0058).

14. The system of claim 13 wherein said software application is configured to instruct said credit card processor to modify said expenditure limit for any of said purchasing cards (¶0062, 0121, 0136, 0153, 0181).

15. The system of claim 13 wherein said credit card processor exchanges data with said software application, said exchange data advising said software application of purchases made using any of said purchasing cards (¶0129-0131, data exchanged/updated).

17. Claims 6, 24, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blagg and Sentor as applied to claim 1 above, and further in view of f Madan et al., U.S. Patent 6,581,035 B1.

Blagg in combination with Swentor disclose the features of claim 1. Blagg does not explicitly disclose the use of voice recognition software and technology to accomplish such transactions. Swentor teaches using voice telephony (see paragraph [0062]). Madan et al., however, teaches a system and method for voice-enabled transactions wherein user instructions, commands and ultimately transactions can be accomplished utilizing the user's voice (see abstract; figure 2 and associated text). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blaggs' system and method for performing financial transactions to utilize Madan's voice-recognition mechanism to provide another method of identity verification and authentication so as to provide an additional means to prevent fraud, especially with regards to financial transactions, as per teachings of Madan et al.

Claims 16-27, 29 and 30 are directed to a system and method as recited above and are similarly rejected.

Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

### ***Conclusion***

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Monday - Friday 10:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt II can be reached on 571-272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and 571-273-6714 for Non-Official /Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jalatee Worjloh/  
Primary Examiner, Art Unit 3685